

REMARKS

Claims 1-31 remain in this application. Claims 1, 7, 10 and 22 have been amended to further differentiate the invention from the prior art. No new matter has been added by these amendments, full support for the amendments being found throughout the originally filed specification, claims and drawings, including in Figures 1 and 3 and in the specification on page 8, first paragraph beneath DESCRIPTION.

Claims 23-31, directed to the method of manufacturing the composite, have been canceled.

Claims 32-41, directed to a method for protecting a pier or dock, have been added.

Objections to the Title

The examiner has objected to the title as not being clearly indicative of the invention to which the claims are directed. By the amendments herein, applicants have duly amended the title. However, in light of the amendments to the claims, the amendment to the title is slightly different than that which was suggested by the examiner. Applicants respectfully request that the amendment to the title be accepted and that the objections to the title be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 8, 9, 19, 23, 29, 30 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lablanc et al. (U.S. Pat. No. 4,411,556). In view of the amendment herein, applicants respectfully traverse these rejections.

Claims 23, 29, 30 and 31 have been canceled. All of the remaining claims are now limited to embodiments wherein "the second end of the tubular member [is] implanted in the soil under a body of water so that the tubular member is disposed generally vertically, [with] the first end of the tubular member being a free end and being disposed proximate to the surface of the water." Leblanc et al. does not teach or disclose any such embodiment. Accordingly, the rejections of claims 1-4, 8, 9, 19, 23, 29, 30 and 31 should be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Parsons (U.S. Pat. No. 5,630,998). Claims 10-18, 20-22 and 24-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lablanc et al. in view of Barmakian (U.S. Pat. No. 6,244,014). In view of the amendments herein, applicants respectfully traverse these rejections.

As noted above, all of the claims are now limited to embodiments wherein "the second end of the tubular member [is] implanted in the soil under a body of water so that the tubular member is disposed generally vertically, [with] the first end of the tubular member being a free end and being disposed proximate to the surface of the water." Parsons is directed to a hand held

baton. There is nothing in Parsons or any of the other cited references which would give incentive to those of ordinary skill in the art to modify the baton taught by Parsons to be implanted in the soil below a body of water with a free end disposed proximate to the surface of the water. Accordingly, applicants respectfully submit that the rejections of claims 1-7 over Parsons should now be withdrawn.

Regarding the rejection of claims 10-18, 20-22 and 24-28 as being unpatentable over Lablanc et al. in view of Barmakian, claims 24-28 have now been canceled and the amendments to the claims limiting the claims to embodiments wherein "the second end of the tubular member [is] implanted in the soil under a body of water so that the tubular member is disposed generally vertically, [with] the first end of the tubular member being a free end and being disposed proximate to the surface of the water", are believed sufficient to render claims 10-18 and 20-22 non-obvious.

Applicants submit that it would not have been obvious to those of ordinary skill in the art to have combined features from Leblanc et al. and Barmakian to create the invention. Leblanc et al. teaches a barge bumper suitable for installation on offshore oil drilling equipment and the like. The barge bumper taught by Leblanc et al. comprises a large rigid metal pipe core and a relatively thin, resilient cover material surrounding that pipe core. The barge bumper of Lablanc is not designed for, and is probably not suitable for, being implanted in the soil under a body of water. Conversely, the structure taught by Barmakian has no internal rigid metal pipe core. Substantially all of the rigidity of the device taught by Barmakian is provided by a plastic material. As taught by

Barmakian, however, that plastic material is reenforced with a plurality of longitudinal bars and/or a helical reenforcement member. There would be no incentive to those of ordinary skill in the art to have combined the internal metal pipe core taught by Leblanc et al. into the member taught by Barmakian. The addition of the metal core would be superfluous. Similarly, there would be no incentive to those of ordinary skill in the art to have implanted the barge bumper of Leblanc et al. into the soil beneath the body of water, as taught by Barmakian. The barge bumper is clearly designed and taught to be attached to offshore drilling equipment or the like.

Since there is no incentive to combine (in piecemeal fashion) features of Leblanc et al. with features of Barmakian, the attempted combination of Leblanc et al. and Barmakian as a basis for a rejection of the subject claims under 35 U.S.C. § 103 is in error and should be withdrawn.

New Claims 32-41

New claims 32-41 are limited to methods of protecting a pier or dock using the composite structure set forth in claim 1. For this reason alone, it is believed that new claims 32-41 are patentable over the prior art.

Moreover, there is nothing in any of the cited references to suggest that a composite structure, such as that which is claimed in claim 1 (and in new claims 32-41) could and should be used as protection for piers or docks. Accordingly, for this second reason, new claims 32-41 are believed to be patentable over the prior art.

CONCLUSION

For the reasons set forth above, applicant respectfully submits that all of the claims remaining in the application are now in condition for allowance. Accordingly, reconsideration, reexamination and allowance of all claims is requested.

REQUEST FOR EXTENSION

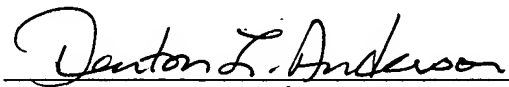
Applicant requests a three-month extension of the deadline to file this Response. The Commissioner is authorized to charge any fee(s) associated with the filing of this Response, including fees for the three-month extension to file, to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON & MAK

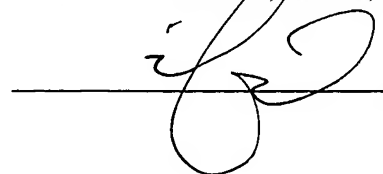
Date: June 15, 2005

By:


Denton L. Anderson
Reg. No. 30,153

225 S. Lake Ave., 9th Flr.
Pasadena, CA 91101
(626) 796-4000

I hereby certify that on June 15, 2005, I deposited with the U.S. Postal Service this package, addressed to the COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450.



Jennifer Anka